

**In the United States District Court  
For the Southern District of Georgia  
Waycross Division**

JACKIE KAVASKIA MCMILLAN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO.: 5:23-cv-42

(Case No.: 5:20-cr-7)

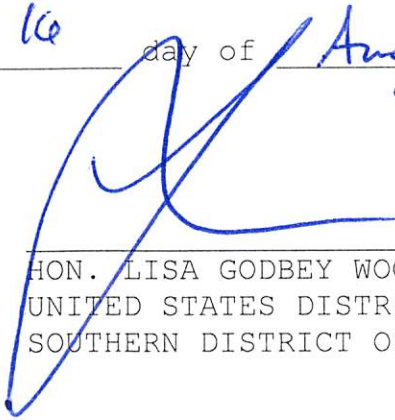
**ORDER**

The Court has conducted an independent and de novo review of the entire record and concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 6. Movant Jackie McMillan ("McMillan") did not file Objections to this Report and Recommendation, though he did notify the Court he has not heard from the Eleventh Circuit Court of Appeals regarding his appeal. Dkt. No. 7.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **GRANTS as unopposed** Respondent's Motion to Dismiss, **DISMISSES without prejudice** McMillan's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct his Sentence for failure to respond to the

Motion to Dismiss, **DIRECTS** the Clerk of Court to **CLOSE** this case and to enter the appropriate judgment of dismissal, and **DENIES** McMillan *in forma pauperis* status on appeal and a Certificate of Appealability.

SO ORDERED, this 16 day of August, 2023.



HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA